

## HOUSE BILL NO. 793

INTRODUCED BY D. MCALPIN

A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE WASTE REDUCTION AND RECYCLING GRANT ACT; CREATING A COMMISSION TO ADMINISTER THE ACT; PROVIDING MEMBERSHIP REQUIREMENTS AND A PURPOSE FOR THE COMMISSION; REQUIRING THE COMMISSION TO SET PRIORITIES FOR AWARDING GRANTS; LIMITING COMMISSION EXPENSES; AUTHORIZING A FEE ON SOLID WASTE TO FUND GRANTS; AND AMENDING SECTIONS 75-10-115 AND 75-10-117, MCA."

WHEREAS, demand for waste reduction and recycling is at an all-time high; and

WHEREAS, Montana has a goal of increasing the recycling of reusable materials and reducing the amount of waste sent to landfills, but the state's rural character and distance from traditional markets often make it difficult to have both convenient and efficient collection and processing of recyclables in Montana's communities; and

WHEREAS, there are high-priority areas of waste management that have not been addressed adequately, including the disposal of electronic waste and some chemicals, that will require a more holistic solution; and

WHEREAS, a small fee based on the amount of solid waste generated would not adversely impact Montana's business community, but could create a funding source for matching grants and incentives for the efficient and convenient collection, processing, disposition, and sale of recyclable materials; and

WHEREAS, a commission that represents community, state, solid waste, and recycling interests and that effectively administers funds to encourage waste reduction and recycling will benefit the state greatly.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Short title.** [Sections 1 through 3] may be cited as the "Waste Reduction and Recycling Grant Act".

**NEW SECTION. Section 2. Waste reduction and recycling grant commission -- membership -- allocation.** (1) There is a waste reduction and recycling grant commission. The governor, after considering

1 recommendations from the department of environmental quality, the recycling industry, and nonprofit and  
2 for-profit entities involved with recycling and waste reduction issues, shall appoint to 3-year terms:

3 (a) two members who hold an elected or appointed local office having duties or responsibilities related  
4 to waste management or recycling;

5 (b) one member of the public with an interest in waste reduction and recycling;

6 (c) one member who is a member of a department of environmental quality advisory committee related  
7 to solid waste; and

8 (d) one member who represents the recycling industry.

9 (2) The director of the department of environmental quality or the director's designee shall serve as a  
10 nonvoting, ex officio member.

11 (3) The commission is allocated to the department of environmental quality for administrative purposes  
12 only as provided in 2-15-121.

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14 **NEW SECTION. Section 3. Purpose -- allocation of funds -- limited expenses.** (1) The purpose of  
15 the waste reduction and recycling grant commission is:

16 (a) to promote the environmental benefits of waste reduction and recycling;

17 (b) to promote the establishment of waste reduction and recycling businesses in Montana;

18 (c) to help implement the requirements of the state solid waste management plan pursuant to  
19 75-10-807;

20 (d) to allocate money collected pursuant to 75-10-115(2) to local governments, state agencies,  
21 community organizations, schools, nonprofit and for-profit entities, and any other entity engaged in waste  
22 reduction or recycling efforts.

23 (2) The commission shall set priorities for grants to be awarded at least annually through a competitive  
24 process. Grants may be used to:

25 (a) purchase equipment used in the collection or processing of materials for waste reduction or recycling  
26 by nonprofit organizations, businesses or industries, state or local governments, or a combination of these  
27 entities;

28 (b) pay startup and operational costs for new businesses or processes related to waste reduction or  
29 recycling;

30 (c) research and demonstrate how waste reduction and recycling are directly applicable to Montana

1 markets;

2 (d) market development activities that will increase consumer acceptance of recycled goods and  
3 business use of used materials; or

4 (e) conduct educational activities, including workshops, conferences, and general consumer education.

5 (3) Commission expenses, administration costs, and costs associated with collecting the fee provided  
6 for in 75-10-115(2) may not exceed 9% of the total amount of fees collected.

7 (4) The commission shall issue an annual report of its activities to the environmental quality council.

8 (5) The commission may contract with the department of environmental quality for activities pursuant  
9 to subsection (1).

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11 **Section 4.** Section 75-10-115, MCA, is amended to read:

12 **"75-10-115. Solid waste management fee.** (1) The department may prepare rules for adoption by the  
13 board, pursuant to 75-10-104 and 75-10-106, that set fees for the management and regulation of solid waste  
14 at facilities subject to regulation pursuant to part 2 of this chapter. Upon adoption by the board, the department  
15 may collect the fees. These fees may include:

16 (a) a license application fee that reflects the cost of reviewing a new solid waste management system  
17 or a substantial change to an existing facility;

18 (b) a flat annual license renewal fee that reflects a minimal base fee related to the fixed costs of an  
19 annual inspection and license renewal and that is based upon the categorization of solid waste management  
20 systems into separate classes identified by the following criteria:

21 (i) the quantity of solid waste received by the solid waste management system;

22 (ii) the nature of the solid waste received; and

23 (iii) the nature of the waste management occurring within the solid waste management system; and

24 (c) a tonnage or volume-based fee on solid waste disposal.

25 (2) For the purpose of implementing [section 3], the department shall collect the following fees based  
26 on solid waste received by the solid waste management system, as defined in 75-10-103:

27 (a) 30 cents a ton in 2006;

28 (b) 45 cents a ton in 2007; and

29 (c) 60 cents a ton in 2008 and 2009.

30 ~~(2)(3)~~ All fees collected must be deposited in the solid waste management account provided for in

1 75-10-117."

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3 **Section 5.** Section 75-10-117, MCA, is amended to read:

4 **"75-10-117. Solid waste management account.** (1) There is a solid waste management account in  
5 the state special revenue fund provided for in 17-2-102.

6 (2) There must be deposited in the account:

7 (a) all revenue from the solid waste management fees provided for in 75-10-115; and

8 (b) money received by the department in the form of legislative appropriations, reimbursements, gifts,  
9 federal funds, or appropriations from any source that is intended to be used for the purposes of the account.

10 (3) (a) Except for fees collected pursuant to 75-10-115(2), the ~~The~~ account may be used by the  
11 department only for the administration of 75-2-215, part 2 of this chapter, and this part.

12 (b) Fees collected pursuant to 75-10-115(2) must be used for the purposes contained in [section 3]."

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14 NEW SECTION. **Section 6. Codification instruction.** [Sections 1 through 3] are intended to be  
15 codified as an integral part of Title 75, chapter 10, and the provisions of Title 75, chapter 10, apply to [sections  
16 1 through 3].

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